

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-67718
Issue Nos.: 2006, 4003
Case No.: ██████████
Hearing Date: October 30, 2013
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
██████████

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August 2, 2013, Claimant applied for MA and SDA, alleging a disability.
2. On August 6, 2013, the Department sent Claimant a Medical Determination Verification Checklist (VCL) and medical packet with an August 16, 2013, due date.
3. On August 22, 2013, the Department sent Claimant a Notice of Case Action denying her application.
4. On September 3, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Claimant disputed the Department's denial of her August 2, 2013, MA and SDA application.

Claimant's request for MA and SDA was based on her allegation that she was disabled. A disabled individual is eligible for MA coverage under an SSI-related category. BEM 105 (October 2010), p. 1. A disabled person who is not eligible for cash assistance under the Family Independence Program, which applies to caretakers of minor children in the home, is eligible for cash assistance under the SDA program. BEM 214 (January 2010), p. 1; BEM 261 (January 2012), p. 1.

To establish a disability, an individual who is not receiving Supplemental Security Income (SSI) or disability-based Retirement, Survivors, and Disability Insurance (RSDI) must complete certain medical documents for submission to the Medical Review Team (MRT). BEM 261, pp. 1, 3; BEM 260, p. 3; BAM 815 (July 2013), p. 3. MRT reviews the medical evidence provided by the client and physician to determine the client's eligibility for assistance based on a disability. BAM 815, p. 1.

In this case, the Department testified that it sent Claimant a Medical Determination VCL on August 6, 2013, requesting that she provide medical documentation concerning her disability by August 16, 2013. When Claimant did not respond to the VCL or ask for an extension of the due date, the Department sent her an August 22, 2013, Notice of Case Action denying her application because she had failed to provide the requested documentation to complete the disability determination. The Notice also indicated that Claimant's eligibility under the Adult Medical Program (AMP) was denied because enrollment under that program was closed to applicants.

At the hearing, Claimant denied receiving the August 6, 2013, VCL. The Department testified that the VCL was sent in its ordinary course of business, from its automated

system in Lansing, to the address identified by Claimant as her mailing address. Claimant verified that the document was addressed to her at her correct address but alleged that she had had issues receiving her mail on a consistent basis. However, because her request for hearing was tied to the August 22, 2013, Notice of Case Action, the evidence established that she did receive her Notice of Case Action. Under these facts, Claimant has failed to rebut the presumption that she received the VCL sent by the Department in its ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Because the Department did not receive a response to the VCL, it acted in accordance with Department policy when it denied Claimant's SDA and MA application.

Furthermore, because the AMP program, which provides limited medical services for persons not eligible for MA coverage, was closed to new enrollees in August 2013, the month Claimant submitted her application, the Department also acted in accordance with Department policy when it denied Claimant's application for AMP coverage. See BEM 640 (October 2012), p. 1.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 12, 2013

Date Mailed: November 13, 2013

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;

- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]